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JOHN MELCHER, MONT.
PAUL E. TSONGAS, MASS.
BILL BRADLEY, N.J.

MICHAEL D. HATHAWAY, STAFF DIRECTOR
CHARLES A. TRABANDT, CHIEF COUNSEL
D. MICHAEL HARVEY, CHIEF COUNSEL FOR THE MINORITY

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, D.C. 20510

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April 10, 1983

Honorable Ronald Reagan
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Roberta Wohlstetter has written instructively:

> "The cheater in an arms agreement and the side cheated...both need to preserve the illusion that the agreement has not been violated. The British fear of an arms race (i.e. in the 1930's) so skillfully manipulated by Hitler, led to a (i.e. 1935) naval agreement in which the British...tacitly revised the Versailles Treaty. And British fear of an arms race prevented them from recognizing violations of the new agreement."

In the summer of 1935, high-ranking naval officers of Hitler's Germany approached officials of the British government with a "one-time offer." The Nazis promised to limit their surface naval fleet to one third the size of the British fleet, if only Germany could have 100 percent of Britain's submarine tonnage. Ignoring the fact that the Nazis were already in violation of the 1921 Versailles Treaty ending World War I by having any navy at all, the British eagerly grasped the Nazis straw. The Germans began producing U-boats, and the grim story of Nazis aggression unchecked by democratic military power let to World War II.

Is this history of appeasement going to be repeated? Is another great Western democracy -- this time America -- turning its face away from serious treaty violations on the part of an aggressive totalitarian regime? Far graver potential consequences for the fate of the world are now at stake. Mr. President, I am confident that we can avoid repeating the mistakes of the past. The best way to keep the peace is through deterrence and enforcement of Soviet compliance with existing arms control treaties.

Mr. President, I firmly support your recent realistic public assessments of Soviet non-compliance with four arms control agreements. You have accurately and courageously concluded what I have long believed -- that the Soviets are violating the SALT II Treaty, the 1962 Kennedy-Khrushchev Agreement, the 1975 Biological and Toxin Weapons Convention, and the 1925 Chemical Warfare Protocol. You and other spokesmen in your administration have also accurately accused the Soviets of violating the Yalta

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Agreement of 1945, the Potsdam Agreement of 1945, the 1975 Helsinki Treaty on Human Rights and Collective Security in Central Europe, and even the United Nations' Charter. I, too, have always been skeptical that the Soviets would show much concern for international law, unless it was temporaily in their interest.

As you know, the Threshold Test Ban Treaty (TTBT) was signed by the U.S. and USSR in Moscow in July 1974. In March 1976 the U.S. and the USSR agreed jointly to put the TTBT 150 kiloton threshold limit on underground nuclear weapon tests into effect, pending its ratification. In July, 1977, the Senate Foreign Relations Committee held hearings on the TTBT and favorably reported it to the full Senate. A little later, it as for various considerations returned to the Committee, where it remains. The U.S., however, has complied precisely and unilaterally with all the provisions of the TTBT since March 1976, for more than seven years. U.S. underground nuclear weapons tests have all been significantly below the 150 kilotons threshold since early 1976.

Mr. President, I have always opposed U.S. unilateral compliance with unratified and expired arms control treaties, on Constitutional and legal grounds. Moreover, prolonged U.S. unilateral compliance with unratified arms control treaties also may do damage to U.S. national security. Without debating the merits of the TTBT, and without accepting the propriety of the U.S. policy of the last seven years that we unilaterally comply with the precise provisions of the unratified TTBT, I believe that the Senate should inquire about Soviet behavior regarding TTBT compliance. Beyond the Senate's Constitutional responsibilities in treaty-making and appropriations, the Senate has the right and even the obligation to determine whether the Soviets are showing any reciprocity for the U.S. policy of unilateral TTBT compliance.

As the former Director of the Arms Control and Disarmament Agency, Eugene Rostow, testified to Congress in July 1981:

> "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

It has come to my attention that as recently as December, 1982, the Soviet Union may have tested a nuclear weapon underground which may have had a yield in excess of the 150 kiloton threshold of the Threshold Test Ban Treaty. Last July 4, 1982 there were reports of a similar Soviet TTBT violation.

In fact, there are reliable reports of over 15 Soviet underground nuclear tests over 150 kilotons, in probable violation of the Threshold Test Ban Treaty. It has previously been reported that

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several of these 15 Soviet tests are unanbiguous violations of the TTBT. There was almost certainty that their lowest possible estimated yields were reportedly above the 150 kiloton threshold.

Former Arms Control Agency Director Eugene Rostow further testified to the Senate on July 29, 1982:

> "... We have real concerns about a number of tests conducted by the Soviets since the TTBT and PNET Agreements were signed."

Defense Secretary Weinberger stated on August 11, 1982 that some Soviet underground nuclear tests have been big enough "to raise serious questions about compliance" with the 150 kiloton threshold of the TTBT.

Dr. Harold Agnew, one of America's foremost nuclear weapons and arms control experts, stated in Science magazine of April 8, 1983:

> "Over the years, subsequent (i.e. Soviet underground nuclear weapons) tests (i.e. after 1976) appeared to us to range as high as 400 kilotons."

Mr. President, you yourself stated on March 28, 1983:

> "We have reason to believe that there have been numerous violations..."

of the TTBT.

Mr. President, I have become aware of the conclusions of a recent comprehensive statistical study of Soviet nuclear weapons testing since the TTBT limit went into effect. This study apparently reflects a majority conclusion among those who have analyzed the Soviet test data. The analytical methodology of the study is important, because it expresses the statistical probabilities of Soviet violations. The methodology and analysis are solid. The following conclusions of the study can be expressed in unclassified form:

1. U.S. data on Soviet underground nuclear weapons tests derived from U.S. National Technical Means (NTM) of TTBT verification are not consistent with Soviet compliance with the TTBT.

2. NTM data are consistent only with the occurrence of significant Soviet violations of the TTBT.

3. The most probable Soviet TTBT violations are militarily significant.

4. There is 95% probability of several Soviet violations of the TTBT limit at militarily significant levels, that is, at 250 kilotons and above.

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5. These conclusions are almost completely unaffected by the uncertainity attributed to our seismic yield determinations. Thus we can have high confidence in the above probability of Soviet violations.

6. Finally, the above probability has not assumed any deliberate Soviet effort to mask their testing, such as by the use of decoupling techniques, or other site selections to reduce substantially the seismic signal. There reportedly is evidence of Soviet test masking, such as decoupling. Should such Soviet masking efforts be assumed in the analysis, the violations could be over twice as large.

7. These conclusions effectively refute the assertion frequently made that the U.S. can not determine whether the Soviets are violating the TTBT limit. We can tell, and the violations are significant.

Mr. President, your own statement of March 28, 1983 that the U.S. has reason to believe that there have been numerous Soviet TTBT violations is consistent with the above unclassified conclusions of the recent comprehensive statistical study. The conclusion that the Soviets are violating the TTBT in militarily significant ways at 95% confidence is important. I am persuaded that the conclusions above are valid, and are derived from a sound analytical methodology.

Unlike many other verification judgments, the above study states hard, mathematical conclusions. The problems of interpreting the arms control treaty and ambiguous intelligence evidence are not present in the case of the TTBT. The 150 kiloton threshold is precise, and the intelligence is solid when treated statistically.

Therefore Mr. President, I completely support your initiative toward enhanced treaty verification, but as I see it, the objective should be enforcement of compliance rather than enhanced verification.

I would like to ask several further questions about Soviet arms control compliance:

1) Since the TTBT limit went into effect in March, 1976, the U.S. has reportedly sent the USSR numerous diplomatic demarches expressing concern over the 15 or more observed Soviet violations of the TTBT. In each case, the Soviets reportedly have denied the violation. How do you explain these denials? Are these further cases of Soviet diplomatic duplicity? In light of these denials and

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without adequate explanations, how can the U.S. possibly ratify the TTBT?

2) Last July, the U.S. reportedly proposed renegotiation of the verification provisions of the TTBT to allow on-site inspection at U.S. and Soviet test sites. Given the above statistically sound strong evidence of Soviet TTBT violations at 95% confidence, how should we interpret the recently reported Soviet rejection of the U.S. enhanced verification proposal? If the Soviets were not cheating already, why would the Soviets reject better verification? Does the Soviet rejection provide final conclusive evidence that they are cheating on the TTBT for militarily significant purposes?

3) If the U.S. now has conclusive evidence of Soviet violation of the unratified TTBT, will you request that the TTBT be withdrawn from the Senate, in order to end U.S. unilateral compliance with the TTBT which is militarily disadvantageous to the U.S.?

4) What does the now conclusive evidence of Soviet cheating on the TTBT imply about the already strong evidence of Soviet cheating on:
   a) The 1972 SALT I ABM Treaty;
   b) The 1972 SALT I Interim Agreement on Offensive Weapons;
   c) The Limited Test Ban Treaty of 1963, for which 30 Soviet ventings of radioactive debris outside their borders have been reported;
   d) The 1967 Tlateloco Treaty for the Prohibition of Nuclear Weapons in Latin America, Additional Protocol II -- banning Soviet nuclear weapons in or around Cuba?

5) Has a consistent pattern of Soviet arms control cheating emerged?

6) All previous Administrations have stated that if the Soviets were caught violating even one arms control agreement, that we would have to reassess our entire spectrum of negotiations and relations with the Soviet Union. It was argued that the Soviets would be deterred from violating any arms control treaty, even one such as the 1975 BW Convention lacking specific verification measures, because of their fear of the political consequences of even being accused of a violation. Have your public accusations that the Soviets violated 5 arms control agreements deterred Soviet arms violations in other areas? Have the Soviets stopped the violations you

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have accused them of? Has your Administration reassessed U.S.- Soviet relations in view of your arms control violations charges? Has world public opinion deterred the Soviets from further violations? What are the diplomatic consequences of Soviet cheating?

7) What conclusions can be drawn about Soviet intentions, in light of the consistent pattern of Soviet arms cheating?

8) What actions to protect U.S. national security interests are you now considering, in view of Soviet failure to stop their arms control cheating?

As you stated to the United Nations General Assembly on June 17, 1982:

"Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away be the winds of war."

Mr. President, part of the reason that you were elected U.S. President in November 1980 is that the American people share your realistic view of the Soviet Union. Previous Administrations have been unwilling to pay the short term political price for challenging Soviet arms control violations and enforcing Soviet arms control compliance. If even Ronald Reagan will not challenge all Soviet arms control violations and try to enforce Soviet compliance, then America may already be paralyzed by Soviet nuclear blackmail and perhaps may be doomed to its own form of Soviet Finlandization.

Alternatively, the American peoples' skepticism of Soviet intentions may well make them applaud your statesmanlike attitude toward Soviet violations of 5 arms control treaties.

Mr. President, thank you for your prompt answers to these important questions, which I will share with all my colleagues. It may be too late for your answers to affect the debate over your defense budget, the MX, the nuclear weapons freeze resolution, and your nomination of Kenneth Adelman to be Arms Control Director, but your answers will be of great interest.

With warmest personal regards,

Jim McClure

James A. McClure
United States Senator

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